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Chaidez v. United States

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Padilla v. Kentucky Does Not Apply Retroactively To Cases That Were Already Final On Direct Review

In *Chaidez v. United States*, No. 11-820 (February 20, 2013), the record showed that Chaidez pled guilty to mail fraud in 2004. In 2009, immigration officials initiated deportation proceedings against her. To avoid removal, she sought collateral review of her mail fraud conviction. While her case was pending, the Supreme Court decided *Padilla v. Kentucky*, 559 U.S. _____, (2010), in which the Court held that the Sixth Amendment requires a criminal defense attorney to provide advice about the risk of deportation arising out of guilty pleas. The Court granted certiorari to determine whether *Padilla* should be applied retroactively, so that a person whose conviction became final before *Padilla* was decided could benefit from it.

Under *Teague v. Lane*, 489 U.S. 288 (1989), a person whose conviction is already final may not benefit from a “new rule” of criminal procedure on collateral review. A case announces a new rule if the result is not dictated by precedent existing at the time the defendant’s conviction became final. A holding is not so dictated unless it would be apparent to all reasonable jurists. Conversely, a case does not announce a new rule if it is merely an application of the principle that governed a prior decision to a different set of facts.

Chaidez argued that *Padilla* was nothing more than a garden-variety application of the test in *Strickland v. Washington*, 466 U.S. 688 (1984) for assessing claims of ineffective assistance of counsel. The Court disagreed. The Court held that before even asking *how* the *Strickland* test applied, *Padilla* asked *whether* the *Strickland* test applied at all. Thus, when the Court decided *Padilla*, the Court answered a question about the Sixth Amendment’s reach that it had left open, in a way that altered the law of most jurisdictions. Thus, in answering the question that the test in *Strickland* does in fact apply, the Court in *Padilla* announced a “new rule.” Consequently, under *Teague*, defendants whose convictions became final prior to *Padilla* cannot benefit from its holding.